

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

DONNA SUE GILMORE

PLAINTIFF

VS.

CIVIL ACTION NO. 1:09CV53-DAS

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER AWARDING ATTORNEY'S FEES

Before the court is the claimant's motion (# 21) for payment of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. In these proceedings, the claimant sought judicial review of the final decision of the Commissioner of Social Security, denying a claim for benefits. By Judgment (# 20) dated April 1, 2010, the court remanded this case to the Commissioner for further proceedings. The claimant now seeks attorney's fees under the EAJA on the ground that the Commissioner's position was not "substantially justified." By the motion and attached exhibits, the claimant requests an award of \$4,377.50 in attorney's fees and expenses. The Commissioner does not object to the claimant's request.

The court, having considered the foregoing and the record of this case, finds that the amount of \$4,377.50 in attorney's fees is reasonable and appropriate. Therefore, it is

ORDERED that the claimant's motion for payment of attorney's fees under the EAJA is hereby **GRANTED**, and the Commissioner shall pay the claimant's attorney \$5,242.74 in attorney's fees and expenses.

THIS, the 3rd day of June, 2010.

/s/ David A. Sanders
U. S. MAGISTRATE JUDGE